

United States Bankruptcy Court
Southern District of TexasUnited States Court
Southern District of Texas
FILED

JAN 23 2015

IN RE: Jeffrey E Scarborough
and Melina Scarborough
debtor

chapter 7

case no: 14-33349

David J. Bradley, Clerk of Court

adversary no: 14-03348

Judge
David R. JonesDefendants would not respond to court order
to confer. Plaintiffs are filing a single report:

a b f (a)

(i) nature of claim: Jeffrey and Melina Scarborough
were acting in a fiduciary capacity and
committed a gross deviation from the standard
of conduct that a law abiding person would
observe in a fiduciary situation(ii) basis of claim: misdirected, commingled
and misappropriated funds belonging
to plaintiffs

(iii) defenses: no response from defendants

(iv) possibilities for promptly settling or resolving
the case: payment of funds fraudulently
appropriated by defendants(v) make or arrange for disclosures (Rule 206(a)(1)):
can not make arrangements because of no
response by defendants

(vi) preserving discoverable information:

plaintiffs information is preserved at trustees
office, on creditors tapes and at District
Attorneys office in Brazoria County(vii) develop a proposed discovery plan: can
not because no response by defendants

ab (f)(3) Discovery Plan (views and proposals)

- (A) need to confer with defendants on changes in timing form or requirements for disclosure under rule 26(a) because plaintiffs will be having discovery requests from defendants
- (B) subjects of discovery for plaintiffs banking records, contracts, lease agreements (for both plaintiffs and defendants) creditors meetings tapes, hot check, addendum to lease agreement
- (C) plaintiffs will produce electronically stored information CD Rom form and written form
- (D) need to confer with defendants
- (E) need to confer with defendants
- (F) plaintiffs want to amend the pleading of the original complaint to include #2 embezzlement

ab (f)(4)

- (A) defendants did not confer
- (B) defendants did not confer